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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91213057
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**


**In Re Application Serial No: 85/837,045**


-----X	:	
HYBRID ATHLETICS, LLC,	:	
	:	
Opposer,	:	Opposition No.: 91213057
	:	
v.	:	
	:	
HYLETE LLC,	:	
	:	
Applicant.	:	
-----X	:	

**APPLICANT’S REPLY MEMORANDUM IN OPPOSITION TO  
OPPOSER’S MOTION FOR SUMMARY JUDGMENT**

Hylete, LLC (“Applicant”) hereby opposes Hybrid Athletics, LLC’s (“Opposer”) Motion for Summary Judgment, regarding Applicant’s allowed Federal Trademark Application Serial No. 85/837,045, for Applicant’s distinctive mark.

The question of whether Applicant’s mark is confusingly similar to Opposer’s mark is a factual one, not appropriately decided on a motion for summary judgment. *See Entrepreneur Media, Inc. v. Smith*, 279 F.2d 1135, 1140 (9th Cir. 2002) (“The ultimate question of likelihood of confusion is predominantly factual in nature” and “[b]ecause of the intensely factual nature of [such] disputes, summary judgment is generally disfavored in the trademark arena”).

Opposer has opposed Applicant’s application to register the mark  in connection with clothing and other apparel, alleging confusing similarity between

Applicant's fanciful logo mark and Opposer's stylized H logo mark  in connection with clothing.

Contrary to Opposer's allegations, the facts in the record do not support the allegation that Applicant's mark is confusingly similar to Opposer's Mark. This question is one that can be decided only upon full examination of the likelihood of confusion factors set forth in *In re E.I. DuPont de Nemours & Co.*, 177 U.S.P.Q. 563, 476 F.2d 1357 (CCPA 1973). After a cursory examination of these factors, it is readily apparent that several genuine issues of material fact exist regarding whether confusion is likely to result from these two distinctively different logo marks. Accordingly, summary judgment is not appropriate and Opposer's motion should be denied.

## **I. INTRODUCTION**

Opposer moves for summary judgment based on its allegations that no triable issues of material fact exist; however, the marks are distinctively different and Opposer's evidence does not even support a finding of a likelihood of confusion. On the contrary, the evidence demonstrates that there is no likelihood of confusion.

In its motion, Opposer relies on four factors of the test for likelihood of confusion set out in *DuPont*: that (1) the marks are substantially similar/dissimilar in appearance and commercial impression; (2) Applicant's goods are related to Opposer's; (3) the marks will travel in the same trade channels; and (4) there is alleged actual confusion. Even if no genuine issue of material fact exists on the

record, in no way whatsoever does the evidence and arguments introduced by Opposer favor a finding of likelihood of confusion.

The logo marks in issue are distinctively different in shape and in overall appearance. These distinctive differences express separate and distinct commercial impressions. Additionally, the logo marks, as used, are entirely differently in their respective channels of trade. The trademark examiner who allowed Applicant's logo mark recognized the distinctiveness of Applicant's logo mark and concluded that confusion was not found after he did a thorough search of the USPTO databases. Accordingly, Applicant's logo mark was approved for publication.<sup>1</sup> Further, regarding Opposer's alleged evidence of actual confusion, Opposer has submitted no direct testimony, but has only submitted hearsay documentary evidence of alleged confusion. This alleged evidence is submitted without details of the circumstances surrounding the alleged incidents, which prevents a determination of what the supposedly confused individuals were thinking, or what caused the purported confusion. Consequently, Opposer has failed to make a clear showing of evidence of consumer confusion.

In Opposer's statement of facts, Opposer provides an exhaustive recitation of Mr. Orlando's personal history. This recitation seems to conflate his personal popularity with that of the CrossFit movement. To the contrary, social networking data shows that Opposer's reach and influence seems to be

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<sup>1</sup> In support of its Opposition, Applicant submits (1) the Declaration of Kyriacos Tsircou as Exhibit A, and (2) the exhibits attached to the foregoing Declaration, which are incorporated by reference.

comparatively insignificant.<sup>2</sup> See *Declaration Kyri*. Applicant contends that this recitation is irrelevant to the issue before this Board.

Based on the evidence presented by Opposer and by Applicant in this opposition and the record, genuine issues of material fact exist and Opposer's motion for summary judgment should be denied.

## II. ARGUMENTS

### A. **Hybrid Has Not Met Its Burden To Establish The Absence of a Genuine Issue of Material Fact.**

Summary judgment is a device that is used to dispose of cases where there “is no genuine issue as to any material fact” based on the evidence developed by discovery and affidavit evidence, and therefore “the moving party is entitled to judgment as a matter of law.” *Trademark Trial and Appeal Board Manual of Procedure ("TBMP")* §528.01; Fed. R. Civ. P. 56(c). In deciding a motion for summary judgment, the Trademark Trial and Appeal Board (TTAB) may not try issues of fact, but must “determine instead if there are any genuine issues of material fact to be tried.” *TBMP* §528.01; *Dyneer Corp. v. Automotive Products pic*, 37 U.S.P.Q. 1251, 1254 (TTAB 1995). The non-moving party “must be given the benefit of all reasonable doubt as to whether genuine issues of material fact exist; the evidentiary record on summary judgment, and all inferences to be drawn from the undisputed facts, must be viewed in the light most favorable to the non-moving party.” *TBMP* §528.01; see, *Lloyd's Food Prods., Inc. v. Eli's, Inc.*, 25 U.S.P.Q.2d 2027, 987 F.2d 766 (Fed. Cir. 1993).

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<sup>2</sup> Opposer (Hybrid Athletics) Facebook Likes: 8,416. Robert Orlando Facebook Likes: 29,712; Applicant (HYLETE) Facebook Likes 117,694.

At the core of Opposer's motion for summary judgment lies the question of whether the undisputed facts on the record establish that, as a matter of law, Opposer's mark is confusingly similar to Applicant's mark as perceived by consumers. That question requires a factual analysis of the relevant factors set forth in *DuPont*. Even a cursory examination of these factors, based on the facts in the record to date, demonstrates genuine issues of material fact as to whether confusion between the marks is likely.









**B. The Relevant Facts Demonstrate That There Is No Likelihood of Confusion Between The Opposer's Mark And The Applicant's Mark.**

This highly factual inquiry regarding the likelihood of confusion between two design marks incorporating wholly different design elements cannot be decided as a matter of law. The relevant field is saturated with stylized H logos and companies using derivatives of "Hybrid Athletics." The marks are substantially dissimilar with respect to their appearance and their commercial impression. Opposer's evidence of alleged actual confusion actually supports a finding of no confusion. The trade channels are sufficiently different to avoid a likelihood of confusion. In fact, once a fact finder engages in the prescribed analysis, it becomes immediately apparent that the two marks are quite different as perceived by consumers.

**i. Third-Party Use Of A Stylized H On Athletic Clothing And Apparel Weakens The Distinctiveness Of Opposer's Mark.**

In the instant case, there are numerous third-party registrations in International Class 025 that utilize a stylized H. Opposer's mark coexists with a

number of third party registrations (or applications which have been published for opposition and therefore survived substantive review by the PTO) which comprise a stylized "H," all of which are used in connection with clothing and athletic-related goods in I.C. 025.

<b>Mark</b>	<b>Registration Number</b>	<b>Owner</b>	<b>Goods named in IC 025</b>
	2406896	Hurley International LLC	Clothing; headwear; namely t-shirts, shorts, sweatpants, etc.
	3630507	Under Armour, Inc.	Full line of athletic clothing
	3554882	Grohl, David INDIVIDUAL	Athletic footwear; athletic sportswear, namely, t-shirts,
	4696658	Hyper Wear, Inc	Athletic apparel, namely, shirts, hats and caps
	4214598	Virginia Investment Partnership	Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms
	4447164	University of Hawaii CORPORATION HAWAII Collegiate Licensing Office	clothing, namely, t-shirts, tank tops, sports shirts...
	4499105	Houston Astros, LLC	Clothing, namely, headwear, shirts, sweaters, vests, bottoms, athletic uniforms...
	4080612	The Honour Society, LLC	Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps...

The fact that each of these registrations, among others, for marks comprising a single stylized “H” have been declared capable of coexisting on the Principal Register demonstrates that Opposer cannot claim exclusive rights to a stylized H in connection with clothing and other sports related goods and services.

It also demonstrates that the “H” itself is not distinctive and therefore incapable of denoting a source for consumers. Accordingly, consumers faced with such marks must look to the design - or, in this case, letter - portion of the mark in order to learn anything about the origin of the goods in connection. *See 4 McCarthy on Trademarks and Unfair Competition*, §23:48 (4th ed. 2015) (when a portion of the mark is weak in the sense that such portion is descriptive, highly suggestive, or is in common use by many other sellers in the market, consumers are expected to focus on other parts of the mark to determine source). Moreover, even if Applicant's mark may evoke or bring to mind Opposer's mark, that itself does not necessarily compel a finding of likelihood of confusion as to source. *See Boston Red Sox Baseball Club Limited Partnership v. Brad Francis Sherman*, 88 U.S.P.Q.2d 1581, \*13 (TTAB 2008); *see In re Ferrero*, 178 U.S.P.Q. 167, 168, 479 F.2d 1395 (CCPA 1973).

At the very least, these registrations are sufficient to indicate that there is a genuine dispute as to the extent of third-party use of similar marks on the same or related goods and calls into question the scope of protection to which Opposer's mark is entitled. *See Lloyd's Food Products*, 25 U.S.P.Q.2d 2027, 987 F.2d 766. Therefore, genuine issues of material fact exist as to the distinctiveness of Opposer's mark, and Opposer's motion for summary judgment should be denied.




ii. **Applicant's Highly Stylized Design Logo Is Substantially Dissimilar From Opposer's Letter “H” Design Logo.**






The stylized versions of the “H” in the respective marks are dissimilar and confusion between the marks is unlikely, let alone a finding of a likelihood of



confusion. In general, highly stylized, highly contrasting letter design logos tend to be found having no likelihood of confusion, whereas rather clear portrayals of a letter tend to result in a finding of a likelihood of confusion. *See 4 McCarthy on Trademarks and Unfair Competition*, §23-33; *Nike, Inc. v. WNBA Enterprises*, 85 U.S.P.Q.2d 1187, 2007 WL 763166 (TTAB 2007.), *interpreting Diamond Alkali Co. v. Dundee Cement Co.*, 145 U.S.P.Q. 211, 343 F.2d 781, 783 (CCPA 1965) (differing letter style of two letter “D’s” held sufficient to avoid confusion). The Trademark Board has stressed that “[t]he focus is on the recollection of the average purchaser, who normally retains a general, rather than a specific, impression of trademarks.” *Barbaras Bakery, Inc. v. Barbara Landesman*, 82 U.S.P.Q.2d 1283 (T.T.A.B. 2007).

In *Nike*, the opposer’s mark and the applicant’s mark both had a stylized letter “S” and the TTAB determined that the letters were not so highly stylized that the marks as a whole would be perceived as purely visual designs. *Nike*, 85 U.S.P.Q.2d 1187, at \*11. The TTAB contrasted this case with the *Diamond* case.

*Diamond* involved the following two marks:  (applicant's mark) and  (opposer's mark), both asserted to be a stylized letter D. *Diamond Alkali*, 343 F.2d 781. The Court in *Diamond Alkali* noted the Board's observation that opposer's mark  “would normally be regarded as consisting of an arbitrary design which is capable of many different interpretations rather than as a letter ‘d’”, and concluded that “symbols of this kind do not sound.” *Id.* at 783, *citing Columbian Steel Tank Co. v. Union Tank & Supply Co.*, 125 U.S.P.Q. 406, 277 F.2d 192, 196 (CCPA 1960).


The *Nike* court, comparing  and , determined that the “stylization of the letter was not so extreme or striking that when viewing the mark in their entirety, the stylization overwhelms the underlying letter making it virtually unrecognizable or subordinate to the overall design.” *Nike*, 85 U.S.P.Q.2d 1187, at \*12 See, e.g., *In re Fisher Tool Co., Inc.*, 224 U.S.P.Q. 796 (TTAB 1984). The reasoning from *Nike* is applicable here, as the present case is analogous to *Diamond Alkali*, comparing Opposer’s more traditional depiction of a single letter mark to Applicant’s highly stylized mark. Here, the stylization of the Opposer’s mark,  emphasizes its representation as an “H,” whereas Applicant’s mark  is a highly stylized design. This mirrors the court’s reasoning in *Nike*. Opposer’s mark is reminiscent of a dumbbell, and of the letter H. In fact, to further promote Opposer’s mark as indicative of an H, one of Opposer’s very few apparel lines uses the Opposer’s mark in place of a letter H - “A.  .A.P. – As Heavy As Possible.” Thus, giving Opposer’s mark a “sound” as discussed in *Nike* and *Diamond Alkali*.



Therefore, genuine issues of material fact exist regarding the similarity of the marks, and Opposer’s motion for summary judgment should be denied.



**iii. The Lettering Style of Each Mark Is Substantially Dissimilar In Appearance And Each Mark Exudes Its Own Distinct Commercial Expression.**



The overall commercial impressions created by Applicant’s mark and Opposer’s mark are substantially different because unlike Opposer’s mark, Applicant’s mark has no sound and bears minimal resemblance to the letter “H.”

*See Textron Inc. v. Maquinas Agricolas "Jacto" S.A*, 215 U.S.P.Q. 162 (TTAB 1982) ("When letter marks are presented in a highly stylized form, so that they are essentially design marks incapable of being pronounced or conveying any inherent meaning, then differences in the lettering style and design may be sufficient to prevent a likelihood of confusion ... similarity of appearance is usually controlling [in such cases] and the decision will turn primarily on the basis of the visual similarity of the marks.").

Opposer's mark  is heavy, thick, bulky, and aggressive overall. It is a fitting representation of an H. Opposer's mark has straight lines, consistent with an H, and while it lacks the 90 degree angles, it is still strongly indicative of an H. Additionally, Opposer's stylized H is outlined such that it includes a border, allowing for the use of contrasting colors.

In contrast, Applicant's mark  bears minimal resemblance to the letter H. Applicant's mark is light, airy, sharp, and bat-like. Applicant's mark seems like two circles, a smaller circle and a larger one. Assuming, arguendo, that Applicant's mark is found to somewhat resemble the letter H, it must be considered a substantially abstract representation of a H, just as the opposer's stylized "D"  in *Diamond Alkali, supra*. Applicant's mark utilizes characteristics that are wholly inconsistent with those of an H – namely its circular nature, using only curvature lines, as opposed to straight lines. Additionally, Applicant's mark is solid, lacking borders or any type of outlining. By looking at Applicant's mark, one is hard pressed to associate the mark with the letter H. Just like the "D" in *Diamond Alkali*, Applicant's mark has no sound;

however, Opposer's mark is intended to represent an H, as explained above in "As Heavy As Possible." The Applicant's mark  – with its highly stylized design elements – creates a distinct commercial impression that is substantially different from that of the Opposer's mark .

As such, the overall commercial impressions created by the two marks are substantially different. Moreover, as shown above, there are many other registrations for a stylized H logo in the International Class 025. In this instance, Opposer's stylized H is not inherently distinctive, and a consumer must look to the particular stylization of the lettering in order to determine the source of the goods or services on which the mark is used. In light of this, Applicant's mark  is clearly dissimilar from Opposer's mark .

For these reasons, Applicant respectfully maintains that there are genuine issues of material facts present due to the dramatic and readily apparent dissimilarities between the two marks in their appearance and their overall commercial impressions. Accordingly, there is no likelihood of confusion and Opposer's motion for summary judgment should be denied.

iv. **Unsubstantiated Inquiries About Affiliation Between Marks Are Not Sufficient Evidence of Any Actual Confusion.**

Opposer's reliance on a few consumer inquiries regarding the relationship between Applicant and Opposer is conclusory, at best. This purported evidence of actual confusion must be carefully scrutinized. Without direct testimony from those involved, there may be insufficient evidence to ascertain what the supposedly confused individuals were thinking, or what caused the purported

confusion. Such evidence should be entitled to little or no weight since the circumstances surrounding the alleged incidents of confusion are ambiguous or unclear and direct testimony of individuals involved is absent. *See Georgia Pacific Corp. v. Great Plains Bag Co.*, 204 U.S.P.Q. 697, 614 F.2d 757, 761-762 (CCPA 1980): (“Actual confusion is entitled to great weight but only if properly proven...such is not the case here”); *Corporate Fitness Programs, Inc. v. Weider Health and Fitness, Inc.*, 2 U.S.P.Q.2d 1682, 1691 (TTAB 1987) (finding third party testimony as to the alleged incidents of actual use confusion of “little probative value”), *set aside on other grounds by Corporate Fitness Programs, Inc. v. Weider Health and Fitness Inc.*, 7 U.S.P.Q.2d 1828 (TTAB 1988).

Additionally, inquiries about the relationship between an owner of a mark and an alleged infringer do not amount to actual confusion. *See Nora Beverages, Inc. v. Perrier Group of America, Inc.*, 60 U.S.P.Q.2d 1038; 269 F.3d 114, (2d Cir. 2001). Indeed, such inquiries are arguably premised upon a lack of confusion between the products such as to inspire the inquiry itself. *Id.*; *Miss Universe, L.P., LLLP v. Villegas*, 93 U.S.P.Q.2d 1652, 672 F. Supp. 2d 575 (S.D. N.Y. 2009) (Inquiries about affiliation are not evidence of confusion, citing the *Nora* precedent.); *see Gruner + Jahr USA Pub. v. Meredith Corp.*, 25 U.S.P.Q.2d 1520, 793 F. Supp. 1222, 1232 (S.D.N.Y.1992), *aff’d by Gruner + Jahr USA Pub. v. Meredith Corp.*, 26 U.S.P.Q.2d 1583, 991 F.2d 1072, 1080 (2d Cir.1993) (customers’ “inquir[ies] as to whether or not a relationship between plaintiff and defendant existed” does not prove “that such persons assumed that plaintiff and defendant were in any manner related”). Plaintiffs typically demonstrate actual

confusion through the use of consumer surveys or polls or through evidence of “a diversion of sales, damage to goodwill, or loss of control over reputation.” *The Sports Authority, Inc. v. Prime Hospitality Corp.*, 39 U.S.P.Q.2d 1511, 89 F.3d 955, 963 (2d Cir.1996); accord *Frosty Treats Inc. v. Sony Computer Entertainment America Inc.*, 75 U.S.P.Q.2d 1570, 426 F.3d 1001 (8th Cir. 2005) (Evidence that over two years, five to ten people had asked a manager of plaintiff whether plaintiff had sponsored the accused video game was only a “scintilla of evidence” which did not prevent dismissal on summary judgment.).

Opposer has shown none of these things. Here, Opposer has provided and relied solely on inquiries and general statements received from consumers. The consumer inquiries cited by Opposer are not instances of action confusion, nor could they be considered evidence of actual confusion. In fact, these inquiries are arguably premised on a lack of confusion between the products such as to inspire the inquiry. “Did you know a copy of your brand means that you succeed [. . .]” *Orlando Dec.* Para 49. “How do you feel about Hylete athletics basically copying your logo and name?” *Id.* These inquiries are not evidence of confusion, as each of the inquirers clearly came to the conclusion that Applicant was not associated with Opposer before commenting to Opposer.

Moreover, these inquiries are not caused by Opposer’s logo, but rather the fact that Opposer’s brand name, “Hybrid Athletics” is descriptive. Thus, other derivatives such as “Hybrid Athlete,” “Hybrid Training,” etc. used by numerous other companies, leads a handful of Rob Orlando’s friends to perceive the

potential for confusion and that Applicant somehow allegedly “copied” Orlando’s brand. *See Exhibit D* (List of other companies using derivatives of “hybrid”).

Therefore, Opposer has not provided legitimate evidence of actual confusion to weigh this factor in Opposer’s favor. Accordingly, there are genuine issues of material fact as to whether this factor favors Opposer.

**v. Similarity of Trade Channels**

Both Applicant and Opposer sell their respective goods direct via their own websites, which further destructs any argument that a consumer would somehow go to Applicant’s site and believe he or she was at Opposer’s site. The Opposer claims Robert Orlando is the face and underpinning to the brand and its notoriety. Of course, there are no visual or written items that would remotely relate to Orlando or Opposer’s company at Applicant’s website, HYLETE.com.

Applicant does not contest that the goods are similar; however, Opposer has attempted to narrow the field of the relevant analysis for trade channels by claiming that its target consumers are limited to the niche of CrossFit athletes. CITE TO OPPOSER MSJ. Applicant respectfully asserts that the Board look at the likelihood of confusion between these two marks as applied to the goods identified in the registration and the application, respectively. *See Ocean Spray Cranberries, Inc. v. Ocean Garden Products, Inc.*, 223 U.S.P.Q. 1027, \*4 (TTAB 1984).

**III. CONCLUSION**

Opposer has not met its burden to demonstrate the absence of a material issue of genuine fact such that summary judgment on the issue of likelihood of

confusion between Opposer's mark and Applicant's mark is appropriate. To the contrary, the evidence in the record overwhelmingly demonstrates that: (1) the marks are entirely dissimilar in their appearance and overall commercial impression; (2) there is no evidence of actual confusion; and (3) the trade channels in which the sophisticated consumers encounter the two marks are not likely to confuse a consumer into thinking that Applicant is affiliated with Opposer.

Therefore, likelihood of confusion cannot be established as a matter of fact, let alone as a matter of law. For the foregoing reasons, Applicant respectfully requests that Opposer's motion for summary judgment be denied.

DATE: April 3, 2015

By: \_\_\_\_\_/kyri tsircou/  
Kyriacos Tsircou, Esq.  
Attorneys for Applicant HYLETE, LLC



## **TABLE OF AUTHORITIES**

### **Cases**

<i>Barbaras Bakery, Inc. v. Barbara Landesman,</i>	
82 U.S.P.Q.2d 1283 (T.T.A.B. 2007).....	8
<i>Boston Red Sox Baseball Club Limited Partnership v. Brad Francis Sherman,</i>	
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<i>Diamond Alkali Co. v. Dundee Cement Co.,</i>	
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<i>Dyneer Corp. v. Automotive Products pic,</i>	
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<i>Frosty Treats Inc. v. Sony Computer Entertainment America Inc.,</i>	
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<i>Georgia Pacific Corp. v. Great Plains Bag Co.,</i>	
204 U.S.P.Q. 697; 614 F.2d 757 (CCPA 1980) .....	11
<i>Gruner + Jahr USA Pub. v. Meredith Corp.,</i> 25 U.S.P.Q.2d 1520; 793 F. Supp. 1222 (S.D.N.Y.1992), <i>aff'd</i> <i>by Gruner + Jahr USA Pub. v. Meredith Corp.,</i>	
26 U.S.P.Q.2d 1583, 991 F.2d 1072, 1080 (2d Cir.1993).....	11
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177 U.S.P.Q. 563; 476 F.2d 1357 (C.C.P.A. 1973).....	2, 3, 4
<i>In re Ferrero,</i> 178 USPQ 167; 479 F.2d 1395 (CCPA 1973) .....	7
<i>In re Fisher Tool Co., Inc.,</i> 224 USPQ 796 (TTAB 1984).....	8
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25 U.S.P.Q.2d 2027; 987 F.2d 766 (Fed. Cir. 1993).....	4, 7
<i>Miss Universe, L.P., LLLP v. Villegas,</i>	
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<i>Nike, Inc. v. WNBA Enterprises,</i>	
85 U.S.P.Q.2d 1187 (Trademark Tr. & App. Bd.) .....	7, 8
<i>Nora Beverages, Inc. v. Perrier Group of America, Inc.,</i>	
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<i>Ocean Spray Cranberries, Inc. v. Ocean Garden Products, Inc.,</i>	
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<i>4 McCarthy on Trademarks and Unfair Competition,</i> (4th ed. 2015) .....	7

**CERTIFICATE OF SERVICE**

I hereby certify that on April 3, 2015, I have sent a copy of APPLICANT HYLETE'S REPLY MEMORANDUM IN OPPOSITION TO OPPOSER'S MOTION FOR SUMMARY JUDGMENT, pursuant to Fed. R. Civ. P. 26(a)(1), to the foregoing, by electronic mail and U.S. Mail, First Class pre-paid postage, to:

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/kyri tsircou/

Kyriacos Tsircou, Esq.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**


<b>HYBRID ATHLETICS, LLC,</b>	:	
	:	
<b>Opposer,</b>	:	<b>Opposition No. 91213057</b>
	:	
<b>v.</b>	:	
	:	
<b>HYLETE LLC,</b>	:	
	:	
<b>Applicant.</b>	:	

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**DECLARATION OF KYRIACOS S. TSIRCOS  
IN SUPPORT OF APPLICANT'S  
OPPOSITION TO OPPOSER'S MOTION FOR SUMMARY JUDGMENT**

I, Kyriacos S. Tsircou, declare:

1. I am an attorney at Tsircou Law, PC, 515 S. Flower Street, 36<sup>th</sup> Floor, Los Angeles, CA 90071 and I am admitted to practice law in the State of California. I submit this Declaration based upon my personal knowledge, information and belief and from review of the documents and business records produced in this matter.

2. A true copy of Applicant's  trademark serial number: 85/837,045, printed from the USPTO database is attached hereto as **Exhibit A**.

3. A true and correct copy of Opposer Hybrid Athletics Objections and Responses to Applicant's First Set of Interrogatories is attached hereto as **Exhibit B**.


4. Applicant sets forth information regarding the popularity of Rob Orlando, Hybrid Athletics, and Hylete in terms of Facebook "Likes."


5. True and correct copies, retrieved at 11:35 AM, April 1, 2015, of the following pages are included in **Exhibit C**:


- (a) Official Facebook page of Rob Orlando.
- (b) Official Facebook page of Hybrid Athletics.


(c) Official Facebook page of Hylete.


6. True and correct copies of the U.S. trademark registrations listed below covering goods and services in International Class 025 and printed from the USPTO online database are attached hereto as **Exhibit D**.


(a) Registration No. 2406896  for IC 025.


(b) Registration No. 3630507  for IC 025.


(c) Registration No. 3554882  for IC 025.

(d) Registration No. 4696658  for IC 025.

(e) Registration No. 4214598  for IC 025.

(f) Registration No. 4447164  for IC 025.

(g) Registration No. 4499105  for IC 025.

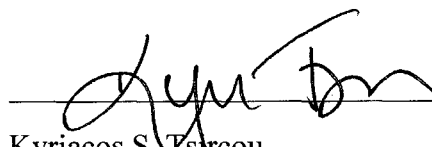
(h) Registration No. 4080612  for IC 025.

Also attached as part of **Exhibit D**, are printouts of webpages from other companies using derivatives of the phrase “hybrid” in relation to athletics and apparel.

7. I submit this Declaration in support of Applicant’s Opposition to Opposer’s Motion for Summary Judgment.

8. I declare under penalty of perjury the foregoing is true and correct.

Date: April 3, 2015

  
Kyriacos S. Tsircou

# **EXHIBIT A**



[Trademarks](#) > Trademark Electronic Search System (TESS)

TESS was last updated on Wed Apr 1 03:21:48 EDT 2015

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [BOTTOM](#) | [HELP](#)

Logout

Please logout when you are done to release system resources allocated for you.

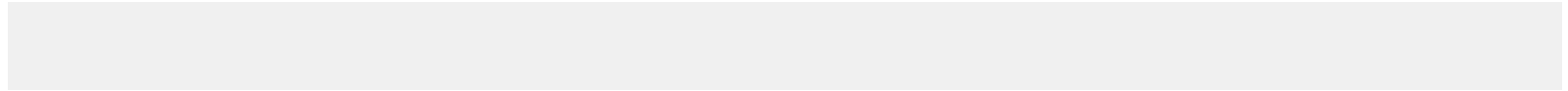
Record 1 out of 1

[TSDR](#) | [ASSIGN Status](#) | [TTAB Status](#) ( Use the "Back" button of the Internet Browser to return to TESS)



Word Mark	H
Goods and Services	IC 025. US 022 039. G & S: Athletic apparel, namely, shirts, pants, shorts, jackets, footwear, hats and caps. FIRST USE: 20120409. FIRST USE IN COMMERCE: 20120409
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	26.01.02 - Circles, plain single line; Plain single line circles 26.01.13 - Circles, two (not concentric); Two circles
Serial Number	85837045
Filing Date	January 30, 2013
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	June 18, 2013
International Registration Number	1202272
Owner	(APPLICANT) Hylete LLC LIMITED LIABILITY COMPANY CALIFORNIA 135 S. Sierra Ave., Unit 20 Solana Beach CALIFORNIA 92075
Attorney of Record	Kyriacos Tsircou
Description of Mark	Color is not claimed as a feature of the mark. The mark consists of stylized "H".
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [TOP](#) | [HELP](#)





# **EXHIBIT B**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

<b>HYBRID ATHLETICS, LLC,</b>	:	
	:	
<b>Opposer,</b>	:	<b>Opposition No. 91213057</b>
	:	
<b>v.</b>	:	
	:	
<b>HYLETE LLC,</b>	:	
	:	
<b>Applicant.</b>	:	

---



**Re: U.S. Trademark Application Serial No. 85/837,045 ( )**

**OPPOSER’S OBJECTIONS AND RESPONSES TO  
APPLICANT’S FIRST SET OF INTERROGATORIES**

Pursuant to Rule 33 of the Federal Rules of Civil Procedure and Rule 2.120 of the Trademark Rules of Practice, Opposer, Hybrid Athletics, LLC (“Opposer”), by counsel, hereby objects and responds to Applicant, Hylete LLC.’s (“Applicant”), *First Set of Interrogatories*, dated January 24, 2014.

These responses, while based on diligent exploration by Opposer and its counsel, reflect only the current status of Opposer’s knowledge, understanding and belief responding to the matters about which inquiry has been made. Discovery in this action is continuing and, consequently, Opposer may not yet fully understand the significance, information or facts, and/or may not have yet discovered all relevant documents pertinent to these interrogatories. Opposer reserves the right to modify or supplement its responses.

Specific objections to each separate interrogatory are made on an individual basis in Opposer's responses below. In addition to specific objections, Opposer makes certain Continuing Objections ("Continuing Objections") to the interrogatories. These Continuing Objections are hereby incorporated by reference into the responses made with respect to each interrogatory. Opposer's response to each individual interrogatory is submitted without prejudice to, and without in any respect waiving, any Continuing Objections not expressly set forth in that response. Accordingly, the inclusion of any specific objection to an interrogatory in any response below is neither intended as, nor shall in any way be deemed to be, a waiver of any Continuing Objection or of any other specific objection made herein or asserted at a later date. In addition, the failure to include at this time any continuing or specific objection to an interrogatory is neither intended as, nor in any way shall be deemed, a waiver of Opposer's right to assert that or any other objection at a later date.

### **CONTINUING OBJECTIONS**

1. Opposer objects to the interrogatories and to each and every interrogatory contained therein, to the extent that they seek information that is neither relevant to nor reasonably calculated to lead to the discovery of admissible evidence in this matter.

2. Opposer objects to the interrogatories, and to each and every interrogatory contained therein, to the extent they seek information protected by the attorney-client privilege, work product immunity or other applicable privilege or immunity. Nothing contained in these responses is intended as, nor shall in any way be deemed, a waiver of any attorney-client privilege, any work product protection or any other applicable privilege or doctrine. Responding to each interrogatory,

Opposer will not undertake to provide information which is privileged or otherwise protected from discovery by law.

3. Opposer objects to the interrogatories, and to each separate interrogatory contained therein, to the extent they are vague, ambiguous, unintelligible, overly broad or unduly burdensome, harassing and oppressive.

4. Opposer objects to the interrogatories, and to each separate interrogatory contained therein, to the extent they seek discovery of proprietary and/or confidential information (including, but not limited to, confidential research, development, commercial and financial information), which is not adequately protected from public disclosure by a Protective Order.

5. Opposer objects to these interrogatories, and to each and every separate interrogatory contained therein, to the extent they seek information in the possession of the propounding party or third parties.

6. Opposer objects to the Instructions and Definitions, and to each of them, to the extent they purport to impose any requirement or obligation on Opposer beyond those required by the Federal Rules of Civil Procedure. Opposer will comply with the Federal Rules of Civil Procedure.

7. Opposer objects to the interrogatories to the extent that they call for any document or information that is subject to the attorney-client privilege, work product immunity or other applicable privilege or immunity. With respect to privileged documents, Opposer will provide a list of those documents as to which it claims privilege or work product exemption or other privilege or immunity. Opposer objects to identifying documents generated since inception of

this proceeding by and/or among legal representatives of Opposer, as such information is likely to reveal work product and/or attorney-client privileged information. Inadvertent disclosure of any such document shall not constitute a waiver of any privilege, immunity or any other ground for objecting to discovery with respect to any document or information and shall not waive the right of Opposer to object to the use of any such document or information contained therein during this action or in any other proceeding.

8. Opposer objects to these interrogatories, and to each of them as overly broad and not reasonably calculated to lead to the discovery of admissible evidence to the extent not limited to the use of relevant marks in the United States.

9. Opposer objects to the Interrogatories to the extent that they seek information equally available to the Applicant as to the Opposer.

10. Opposer provides each of the following responses subject to and without waiving the continuing objections contained herein.

### **INTERROGATORIES**

#### **INTERROGATORY NO. 1:**

Identify the place of incorporation of the Opposer, each and every division or related company by name, address, and the nature of the business where goods and/or services bearing the Opposer's Marks are offered, sold, advertised, displayed, or utilized.

**RESPONSE TO INTERROGATORY NO. 1:**

Opposer objects to this Interrogatory to the extent that it is vague, unduly burdensome, over broad, not relevant, and not reasonably calculated to lead to the discovery of admissible evidence. Opposer objects to this Interrogatory to the extent that it seeks information about marks that are not within the scope of this proceeding.

Subject to and without waiving the forgoing or continuing objections, Opposer states as follows:

Opposer is a Connecticut Limited Liability Company having its principal place of business at 7 Hyde Street, Stamford, Connecticut 06907. Opposer operates a CrossFit affiliate at its place of business.

**INTERROGATORY NO. 2:**

Identify each officer and managing agent of the Opposer, including each officer's name, title, address, and job duties at any time.

**RESPONSE TO INTERROGATORY NO. 2:**

Opposer objects to this Interrogatory to the extent that it is vague, unduly burdensome, over broad, not relevant, and not reasonably calculated to lead to the discovery of admissible evidence.

Subject to and without waiving the forgoing or continuing objections, Opposer identifies:

Robert Orlando  
Owner and Sole Member  
Hybrid Athletics LLC  
7 Hyde Street  
Stamford, CT 06907

Mr. Orlando is to only be contacted through counsel.

**INTERROGATORY NO. 3:**

Identify each predecessor, parent or subsidiary of the Opposer that has any involvement whatsoever with respect to the sale, distribution, advertising, marketing, and/or promotion of the Opposer's Goods bearing the Opposer's Marks.

**RESPONSE TO INTERROGATORY NO. 3:**

Opposer objects to this Interrogatory to the extent that it is vague, unduly burdensome, over broad, not relevant, and not reasonably calculated to lead to the discovery of admissible evidence. Opposer objects to this Interrogatory to the extent that it seeks information about marks that are not within the scope of this proceeding.

Subject to and without waiving the forgoing or continuing objections, Opposer states as follows:

Opposer has no predecessors, parents or subsidiaries.

**INTERROGATORY NO. 4:**

Describe in detail the circumstances through which the Opposer first became aware of the Applicant's Mark.

**RESPONSE TO INTERROGATORY NO. 4:**

Opposer objects to this Interrogatory to the extent that it is vague, unduly burdensome, over broad, not relevant, and not reasonably calculated to lead to the discovery of admissible evidence. Opposer objects to this Interrogatory to the extent that it seeks information about marks that are not within the scope of this proceeding.

Subject to and without waiving the forgoing or continuing objections, Opposer states as follows:



Opposer first became aware of Applicant's " " design mark in April of 2012 when Matthew Paulson sent Mr. Orlando a copy of Applicant's design mark.

Pursuant to Fed. R. Civ. P. 33(d), Opposer directs Applicant to documents bearing bates nos. HYBRID000015-18.

**INTERROGATORY NO. 5:**

Identify each person or entity that participated in the creation of the Opposer's Marks at any time.

**RESPONSE TO INTERROGATORY NO. 5:**

Opposer objects to this Interrogatory to the extent that it is vague, unduly burdensome, over broad, not relevant, and not reasonably calculated to lead to the discovery of admissible evidence. Opposer objects to this Interrogatory to the extent that it seeks information about marks that are not within the scope of this proceeding.

Subject to and without waiving the forgoing or continuing objections, Opposer identifies



the following persons as having participated in the creation of the Opposer's " " mark:

Robert Orlando  
Hybrid Athletics LLC  
7 Hyde Street  
Stamford, CT 06907

Mr. Orlando is to only be contacted through counsel.



Stefanie Tropea  
Punch Kettlebell Gym of Norwalk  
345 Main Ave.  
Norwalk, CT 06851  
(203) 354-9370

Stefanie Tropea's Cousin  
Name, Address and Telephone Number – Unknown

**INTERROGATORY NO. 6:**

Identify each person or entity that participated at any time in the design and/or development of any advertising or marketing materials for use with any of Opposer's Goods bearing the Opposer's Marks.

**RESPONSE TO INTERROGATORY NO. 6:**

Opposer objects to this Interrogatory to the extent that it is vague, unduly burdensome, over broad, not relevant, and not reasonably calculated to lead to the discovery of admissible evidence. Opposer objects to this Interrogatory to the extent that it seeks information about marks that are not within the scope of this proceeding.

Subject to and without waiving the forgoing or continuing objections, Opposer identifies at least the following persons and entities:

Robert Orlando  
Hybrid Athletics LLC  
7 Hyde Street  
Stamford, CT 06907

Mr. Orlando is to only be contacted through counsel.

Ian Jentgen  
Hybrid Athletics LLC  
7 Hyde Street  
Stamford, CT 06907

Mr. Jentgen is to only be contacted through counsel.

SitesAsRx, Inc.  
Address – Unknown  
(858) 859-2779  
www.sitesasrx.com

iWebXpert.com, LLC  
15 Oakcrest Drive  
Asheville, NC 28806  
(828) 738-5190  
www.iWebXpert.com

Clint Chizinski  
146 Roselle Street  
Bridgeport, CT 06604  
(203) 864-8520

Wally Moran  
4750 Lincoln Blvd  
Apt 255  
Marina Del Rey, CA 90292

Life AsRx, Inc.  
318 N El Camino Real Ste B  
Encinitas, CA 92024  
(877) 450-2779

Signs of Success  
1084 Hope Street  
Stamford, CT 06907  
(203) 329-3374

Crispy Prints  
25 Devon Ave  
Norwalk, CT 06850

ShirtGuy  
66 Temple Street  
Harrison, NY 10528

Rhoddy Davies  
11 Iron Way  
Tondy Brigend  
South Wales, UK  
CF32 9BF

**INTERROGATORY NO. 7:**

Identify all advertising and marketing materials bearing any of Opposer's Marks, including without limitation, materials used in Web sites, signage, periodicals, and similar materials, and also including the date of first publication for each advertising and marketing material so identified at any time.

**RESPONSE TO INTERROGATORY NO. 7:**

Opposer objects to this Interrogatory to the extent that it is vague, unduly burdensome, over broad, not relevant, and not reasonably calculated to lead to the discovery of admissible evidence. Opposer objects to this Interrogatory to the extent that it seeks information about marks that are not within the scope of this proceeding.

Subject to and without waiving the forgoing or continuing objections, Opposer states as follows:

Signage

**Date:** At least as early as August 2008.

Website and Online Marketing

**Date:** At least as early as July 2009.

Apparel

**Date:** At least as early as December 2008

Equipment

**Date:** At least as early as October 2010

Periodicals

**Date:** At least as early as August 2010

Pursuant to Fed. R. Civ. P. 33(d), Opposer directs Applicant to documents bearing bates nos. HYBRID00001-12, 14, 27-36.


**INTERROGATORY NO. 8:**

Identify each good and/or service that bears the Opposer's Marks; or such that the Opposer's Marks is used in connection with, including an identification of which of Opposer's Marks are used in connection with each good or service.

**RESPONSE TO INTERROGATORY NO. 8:**

Opposer objects to this Interrogatory to the extent that it is vague, unduly burdensome, over broad, not relevant, and not reasonably calculated to lead to the discovery of admissible evidence. Opposer objects to this Interrogatory to the extent that it seeks information about marks that are not within the scope of this proceeding.

Subject to and without waiving the forgoing or continuing objections, Opposer states as follows:

Mark	Goods and/or Services
	Clothing, namely, Bottoms; Headwear; Tops  Equipment  Conducting fitness classes; Health club services, namely, providing instruction and equipment in the field of physical exercise; Personal fitness training services and consultancy; Physical fitness instruction.

**INTERROGATORY NO. 9:**

For each good and/or service identified in Interrogatory No. 8, list and state the facts that support the exact date upon which the Opposer intends to rely for the date of first use in commerce for each good and/or service identified for each of the Opposer's Marks.

**RESPONSE TO INTERROGATORY NO. 9:**

Opposer objects to this Interrogatory to the extent that it is vague, unduly burdensome, over broad, not relevant, and not reasonably calculated to lead to the discovery of admissible evidence. Opposer objects to this Interrogatory to the extent that it seeks information about marks that are not within the scope of this proceeding.

Subject to and without waiving the forgoing or continuing objections, Opposer states as follows:

Pursuant to Fed. R. Civ. P. 33(d), Opposer directs Applicant to documents bearing bates nos. HYBRID00001-12, 14, 27-36, 40. .

**INTERROGATORY NO. 10:**

For each good and/or service identified in Interrogatory No. 8, list by calendar year the annual sales for each good and/or service that was offered for each of Opposer's Marks, beginning at least as early as August 2008 through to the present as alleged in Paragraph 4 of the Opposer's Notice of Opposition Brief.

**RESPONSE TO INTERROGATORY NO. 10:**

Opposer objects to this Interrogatory to the extent that it is vague, unduly burdensome, over broad, not relevant, and not reasonably calculated to lead to the discovery of admissible

evidence. Opposer objects to this Interrogatory to the extent that it seeks information about marks that are not within the scope of this proceeding.

Subject to and without waiving the forgoing or continuing objections, Opposer states as follows:

Pursuant to Fed. R. Civ. P. 33(d), Opposer directs Applicant to documents bearing bates nos. HYBRID000037-42

**INTERROGATORY NO. 11:**

For each good and/or service identified in Interrogatory No. 8, list by calendar year the dollar amount spent annually on advertising and marketing for each good and service, beginning at least as early as August 2008 through to the present as alleged in Paragraph 4 of the Opposer's Notice of Opposition Brief.

**RESPONSE TO INTERROGATORY NO. 11:**

Opposer objects to this Interrogatory to the extent that it is vague, unduly burdensome, over broad, not relevant, and not reasonably calculated to lead to the discovery of admissible evidence. Opposer objects to this Interrogatory to the extent that it seeks information about marks that are not within the scope of this proceeding.

Subject to and without waiving the forgoing or continuing objections, Opposer states as follows:

Pursuant to Fed. R. Civ. P. 33(d), Opposer directs Applicant to documents bearing bates nos. HYBRID000037-42. .

**INTERROGATORY NO. 12:**

For each good and/or service identified in Interrogatory No. 8, list the geographic area(s) in which each good and service was advertised and/or sold, including the date that each good and/or service entered each geographic area(s).

**RESPONSE TO INTERROGATORY NO. 12:**

Opposer objects to this Interrogatory to the extent that it is vague, unduly burdensome, over broad, not relevant, and not reasonably calculated to lead to the discovery of admissible evidence. Opposer objects to this Interrogatory to the extent that it seeks information about marks that are not within the scope of this proceeding.

Subject to and without waiving the forgoing or continuing objections, Opposer states as follows:

Opposer's goods and/or services are at minimum available throughout the United States.

Pursuant to Fed. R. Civ. P. 33(d), Opposer directs Applicant to documents bearing bates nos. HYBRID000037-43.

**INTERROGATORY NO. 13:**

For each good and/or service identified in Interrogatory No. 8, describe in detail, the extent to which there has been any interruption, of at least six months, in the continuous use of each good and/or service.

**RESPONSE TO INTERROGATORY NO. 13:**

Opposer objects to this Interrogatory to the extent that it is vague, unduly burdensome, over broad, not relevant, and not reasonably calculated to lead to the discovery of admissible

evidence. Opposer objects to this Interrogatory to the extent that it seeks information about marks that are not within the scope of this proceeding.

Subject to and without waiving the forgoing or continuing objections, Opposer states as follows:

There has been no interruption in use, of at least six months, for the good and/or services identified in Interrogatory No. 8.

**INTERROGATORY NO. 14:**

State in detail the factual basis for Opposer's allegation in Paragraph 7 of the Notice of Opposition that “[a]s a result of Opposer’s investment, the TRAIN. COMPETE. LIVE.name and mark has become synonymous with high quality goods in its industry.”

**RESPONSE TO INTERROGATORY NO. 14:**

Opposer objects to this Interrogatory to the extent that it is vague, unduly burdensome, over broad, not relevant, and not reasonably calculated to lead to the discovery of admissible evidence. Opposer objects to this Interrogatory to the extent that it seeks information about marks that are not within the scope of this proceeding.

Subject to and without waiving the forgoing or continuing objections, Opposer states as follows:

Opposer did not allege in Paragraph 7 of the Notice of Opposition that “[a]s a result of Opposer’s investment, the TRAIN. COMPETE. LIVE.name and mark has become synonymous with high quality goods in its industry.”



**INTERROGATORY NO. 15:**

Describe in detail the Opposer's knowledge of any investigations, tests, studies, analysis, evaluations, opinions, reports, research memorandum, surveys, or other documents, requested or received by the Opposer related to consumer recognition of the Opposer's Marks, including identifying the persons requesting such document, the person preparing such document, and the nature and the general conclusion and summary of each document.

**RESPONSE TO INTERROGATORY NO. 15:**

Opposer objects to this Interrogatory to the extent that it is vague, unduly burdensome, over broad, not relevant, and not reasonably calculated to lead to the discovery of admissible evidence. Opposer objects to this Interrogatory to the extent that it seeks information protected from discovery by the attorney-client privilege, work-product doctrine, or that is otherwise protected from discovery. Opposer objects to this Interrogatory to the extent that it seeks information about marks that are not within the scope of this proceeding.

**INTERROGATORY NO. 16:**

Describe in detail Opposer's knowledge of any investigations, tests, studies, analysis, evaluations, opinions, reports, research memorandum, surveys or other documents, requested or received by the Opposer related to the similarities between the Opposer's Marks and the Applicant's Mark, including identifying the persons requesting such document, the person preparing such document, and the nature and the general conclusion and summary of each document.

**RESPONSE TO INTERROGATORY NO. 16:**

Opposer objects to this Interrogatory to the extent that it is vague, unduly burdensome, over broad, not relevant, and not reasonably calculated to lead to the discovery of admissible evidence. Opposer objects to this Interrogatory to the extent that it seeks information protected from discovery by the attorney-client privilege, work-product doctrine, or that is otherwise protected from discovery. Opposer objects to this Interrogatory to the extent that it seeks information about marks that are not within the scope of this proceeding.

**INTERROGATORY NO. 17:**

Describe in detail each incident that is known to the Opposer of any actual confusion between any goods and/or services bearing the Opposer's Marks and any goods and/or services bearing the Applicant's Mark, including identifying the persons most knowledgeable with respect to each incident identified.

**RESPONSE TO INTERROGATORY NO. 17:**

Opposer objects to this Interrogatory to the extent that it is vague, unduly burdensome, over broad, not relevant, and not reasonably calculated to lead to the discovery of admissible evidence. Opposer objects to this Interrogatory to the extent that it seeks information about marks that are not within the scope of this proceeding.

Subject to and without waiving the forgoing or continuing objections, Opposer identifies the following persons as having knowledge of actual confusion between Opposer's trademark



“ ” mark and Applicant's “



” mark:

Robert Orlando  
Hybrid Athletics LLC  
7 Hyde Street  
Stamford, CT 06907

Mr. Orlando is to only be contacted through counsel.

Miki Carey  
Gardens CrossFit  
4098 PGA Blvd  
Palm Beach Gardens  
561-630-3118

Syn Martinez  
CrossFit Harlem  
2340 5th Avenue, Unit S-13  
New York, NY 10037  
212-365-0404

Yusuke Aonuma  
Address and Telephone Number – Unknown

Jesse Clay  
Address and Telephone Number – Unknown

Drake Rodriguez  
Address and Telephone Number – Unknown

Eric W. Lester  
Address and Telephone Number – Unknown  
Matthew Tuthill  
Muscle and Fitness

Zach Even-esh  
160 Talmadge Rd.  
Edison, NJ 08817  
(732) 379-9370

**INTERROGATORY NO. 18:**

Identify and describe any agreements in which the Opposer has licensed or intends to license the Opposer's Marks for use by a third party, including the name and business addresses of any third party that has been authorized, licensed, assigned, or granted, or to whom the

Opposer intends to authorize, license, assign, or grant, the right to use any of the Opposer's Marks.

**RESPONSE TO INTERROGATORY NO. 18:**

Opposer objects to this Interrogatory to the extent that it is vague, unduly burdensome, over broad, not relevant, and not reasonably calculated to lead to the discovery of admissible evidence. Opposer objects to this Interrogatory to the extent that it seeks information about marks that are not within the scope of this proceeding.

In accordance with Applicant's First Set Of Requests For Documents And Things, and subject to Opposer's objections, Opposer will produce responsive documents to this Interrogatory to the extent they exist and can be located after a reasonable search.

**INTERROGATORY NO. 19:**

Describe in detail all efforts that the Opposer has made to enforce the Opposer's rights in Opposer's Marks against third parties, other than the Applicant.

**RESPONSE TO INTERROGATORY NO. 19:**

Opposer objects to this Interrogatory to the extent that it is vague, unduly burdensome, over broad, not relevant, and not reasonably calculated to lead to the discovery of admissible evidence. Opposer objects to this Interrogatory to the extent that it seeks information protected from discovery by the attorney-client privilege, work-product doctrine, or that is otherwise protected from discovery. Opposer objects to this Interrogatory to the extent that it seeks information about marks that are not within the scope of this proceeding.

**INTERROGATORY NO. 20:**

Describe in detail any instances in which a third party has challenged the Opposer's right to use the Opposer's Marks, other than the Applicant.

**RESPONSE TO INTERROGATORY NO. 20:**

Opposer objects to this Interrogatory to the extent that it is vague, unduly burdensome, over broad, not relevant, and not reasonably calculated to lead to the discovery of admissible evidence. Opposer objects to this Interrogatory to the extent that it seeks information protected from discovery by the attorney-client privilege, work-product doctrine, or that is otherwise protected from discovery. Opposer objects to this Interrogatory to the extent that it seeks information about marks that are not within the scope of this proceeding.

**INTERROGATORY NO. 21:**

Identify each person who prepared, who assisted in the preparation of, or who provided information for the answers to these interrogatories, stating each interrogatory which each such individual prepared, assisted in the preparation of, and/or provided information for the answer.

**RESPONSE TO INTERROGATORY NO. 21:**

Opposer objects to this Interrogatory to the extent that it is vague, unduly burdensome, over broad, not relevant, and not reasonably calculated to lead to the discovery of admissible evidence. Opposer objects to this Interrogatory to the extent that it seeks information protected from discovery by the attorney-client privilege, work-product doctrine, or that is otherwise protected from discovery. Opposer objects to this Interrogatory to the extent that it seeks information about marks that are not within the scope of this proceeding.

Subject to and without waiving the forgoing or continuing objections, Opposer states as follows:

Robert Orlando  
Hybrid Athletics LLC  
7 Hyde Street  
Stamford, CT 06907

HYBRID ATHLETICS, LLC



February 28, 2014

---

Wesley W. Whitmyer  
Andy I. Corea  
Michael J. Kosma  
St. Onge, Steward Johnston & Reens LLC  
986 Bedford Street  
Stamford, CT 06905  
Tel. (203) 324-6155  
Facsimile (203) 327-1096  
Email:litigation@ssjr.com

*ATTORNEYS FOR OPPOSER*

Verified:

---

Robert Orlando

---

Date

---


Owner  
Title

**CERTIFICATE OF SERVICE**

This is to certify that a true copy of the foregoing OPPOSER'S OBJECTIONS AND RESPONSES TO APPLICANT'S FIRST SET OF INTERROGATORIES was served by first class mail, postage prepaid on the Correspondent for the Applicant as follows:

Kyriacos Tsircou  
Tsircou Law, P.C.  
515 S. Flower Street, Floor 36  
Los Angeles, CA 90071-2221

2/28/2014  
Date

  
\_\_\_\_\_  
Jessica L. White

# **EXHIBIT C**





Rob Orlando



**Rob Orlando**  
Athlete

Timeline

About

Photos

**Likes**

More ▾

## People

**42** People Talking About This

**29,704** Total Page Likes

▲ 0.1% from last week

**33**

New Page Likes

▼ 23.3%

— This week

— Last week



Hybrid Athletics / Crossfit Conan



**Hybrid Athletics / Crossfit  
Conan  
Gym**

Timeline

About

Photos

**Likes**

More ▾

## People

**22** People Talking About This

**8,414** Total Page Likes

▲ 0.2% from last week

**18**

New Page Likes

▼ 33.3%

— This week

— Last week



HYLETE



**HYLETE**  
Clothing

Timeline

About

Photos

**Likes**

More ▾

## People

**2,279** People Talking About This

**117,912** Total Page Likes

▲ 1.1% from last week

**1,287**

New Page Likes

▼ 3.8%

— This week

— Last week

# **EXHIBIT D**

Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Tue Mar 31 03:20:54 EDT 2015

TESS HOME NEW USER STRUCTURED FREE FORM BROWSE DICT SEARCH OG BOTTOM HELP

Logout Please logout when you are done to release system resources allocated for you.

Record 1 out of 1

TSDR ASSIGN Status TTAB Status ( Use the "Back" button of the Internet Browser to return to TESS)



Goods and Services	IC 018. US 001 002 003 022 041. G & S: WALLETs, BACKPACKs, DUFFLE BAGs. FIRST USE: 19990125. FIRST USE IN COMMERCE: 19990125  IC 025. US 022 039. G & S: CLOTHING, HEADWEAR ((AND FOOTWEAR)), NAMELY, T-SHIRTS, SHORTS, SWEAT PANTS, SWEAT SHIRTS, SWIM WEAR, JACKETS, JEANS, SHIRTS, SWEATERS, CAPS, HATS, [ BEANIE, ] * BEANIE * SKULLCAPS, BELTS, WET SUITS. FIRST USE: 19981030. FIRST USE IN COMMERCE: 19981030
Mark Drawing Code	(2) DESIGN ONLY
Design Search Code	26.13.13 - Quadrilateral (two quadrilaterals); Two quadrilaterals 26.13.21 - Quadrilaterals that are completely or partially shaded 26.13.25 - Quadrilaterals with one or more curved sides
Serial Number	75525877
Filing Date	July 27, 1998
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	November 9, 1999
Change In Registration	CHANGE IN REGISTRATION HAS OCCURRED
Registration Number	2406896
Registration Date	November 21, 2000
Owner	(REGISTRANT) HURLEY INTERNATIONAL LLC CORPORATION CALIFORNIA 1945-G PLACENTIA AVENUE COSTA MESA CALIFORNIA 92627

Trademark Electronic Search System (TESS)  
(LAST LISTED OWNER) HURLEY INTERNATIONAL LLC LIMITED LIABILITY COMPANY OREGON 1945-G  
PLACENTIA AVENUE COSTA MESA CALIFORNIA 92627

Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	B. Anna McCoy
Description of Mark	Color is not claimed as a feature of the mark.
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20101117.
Renewal	1ST RENEWAL 20101117
Live/Dead Indicator	LIVE

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TSDR ASSIGN Status TTAB Status ( Use the "Back" button of the Internet Browser to return to TESS)



Word Mark	UA
Goods and Services	IC 025. US 022 039. G & S: Full line of athletic clothing; belts; clothing, namely, hand-warmers. FIRST USE: 20020821. FIRST USE IN COMMERCE: 20020821
Mark Drawing Code	(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
Trademark Search Facility	LETS-2 UA Two letters or combinations of multiples of two letters
Classification Code	SHAPES-MISC Miscellaneous shaped designs
Serial Number	77590378
Filing Date	October 10, 2008
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	March 17, 2009
Registration Number	3630507
International Registration Number	1007431
Registration Date	June 2, 2009
Owner	(REGISTRANT) Under Armour, Inc. CORPORATION MARYLAND 1020 Hull Street Baltimore MARYLAND 21230
Attorney of Record	Kelly L. Williams
Prior Registrations	2950963;2951069;2991123;AND OTHERS
Description of Mark	Color is not claimed as a feature of the mark. The mark consists of a stylized letter "U" vertically overlapping a stylized letter "A".
Type of Mark	TRADEMARK

Register	PRINCIPAL
Live/Dead Indicator	LIVE

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Word Mark	H
Goods and Services	IC 025. US 022 039. G & S: Athletic footwear; athletic sportswear, namely, t-shirts, sweatshirts, hooded sweatshirts; headwear. FIRST USE: 20080201. FIRST USE IN COMMERCE: 20080424
Mark Drawing Code	(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
Trademark Search Facility	LETS-1 H A single letter, multiples of a single letter or in combination with a design
Classification Code	SHAPES-MISC Miscellaneous shaped designs
Serial Number	77258285
Filing Date	August 17, 2007
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	February 19, 2008
Registration Number	3554882
Registration Date	December 30, 2008
Owner	(REGISTRANT) HOOVES, LLC LIMITED LIABILITY COMPANY CALIFORNIA c/o VWC Management, Inc. 13343 Bellevue-Redmond Road Bellevue WASHINGTON 98005  (LAST LISTED OWNER) GROHL, DAVID INDIVIDUAL UNITED STATES 13343 BELLEVUE-REDMOND ROAD C/O VWC MANAGEMENT, INC. BELLEVUE WASHINGTON 98005
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Lawrence E. Apolzon
Description of Mark	Color is not claimed as a feature of the mark. The mark consists of a stylized letter "H."
Type of Mark	TRADEMARK

Register	PRINCIPAL
Live/Dead Indicator	LIVE

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Word Mark	H
Goods and Services	IC 025. US 022 039. G & S: Athletic apparel, namely, shirts, hats and caps. FIRST USE: 20120312. FIRST USE IN COMMERCE: 20130312
	IC 028. US 022 023 038 050. G & S: Exercise and fitness equipment, namely, free weights, sandbags, ropes, exercise weights incorporated into clothing, namely, vests. FIRST USE: 20120312. FIRST USE IN COMMERCE: 20120312
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	26.01.02 - Circles, plain single line; Plain single line circles
Serial Number	85960706
Filing Date	June 14, 2013
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	April 8, 2014
Registration Number	4696658
Registration Date	March 3, 2015
Owner	(REGISTRANT) Hyper Wear, Inc. CORPORATION DELAWARE 2120 Denton Dr., Suite 101 Austin TEXAS 78758
Attorney of Record	Christopher L. Graff
Description of Mark	Color is not claimed as a feature of the mark. The mark consists of a stylized letter "H" positioned within a circular background.

Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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Word Mark	H
Goods and Services	IC 025. US 022 039. G & S: Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms. FIRST USE: 20100921. FIRST USE IN COMMERCE: 20110201
	IC 041. US 100 101 107. G & S: Entertainment in the nature of baseball games. FIRST USE: 20100921. FIRST USE IN COMMERCE: 20110201
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	18.13.05 - Collars (animal other than horses); Leashes (animal other than horses); Yokes, collars, leashes, and harnesses for other animals
Serial Number	85183591
Filing Date	November 23, 2010
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	May 17, 2011
Registration Number	4214598
Registration Date	September 25, 2012
Owner	(REGISTRANT) Virginia Investment Partnership LIMITED LIABILITY COMPANY VIRGINIA 40349 Stilner Ct. Waterford VIRGINIA 20197
Attorney of Record	David Ludwig
Description of Mark	Color is not claimed as a feature of the mark. The mark consists of a stylized letter "H" wherein the crossbar of the letter "H" is represented by a spiked dog collar which is placed around the two vertical portions of the letter "H".

**Type of Mark** TRADEMARK. SERVICE MARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

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TSDR ASSIGN Status TTAB Status ( Use the "Back" button of the Internet Browser to return to TESS)



Word Mark	H
Goods and Services	IC 016. US 002 005 022 023 029 037 038 050. G & S: Educational publications, namely, magazines, journals, flyers, brochures, and other printed material that contain information describing programs and activities associated with the University of Hawaii; promotional items, namely, pens, paper pennants, and decals; blank notebooks. FIRST USE: 20000503. FIRST USE IN COMMERCE: 20000727  IC 025. US 022 039. G & S: Adult, youth and infant clothing, namely, t-shirts, tank tops, sports shirts, night shirts, jackets, shorts, pants, pajamas, hats, caps, visors, long and short sleeved shirts and jogging suits made of fleece, neck ties, scarves, socks, shoes and slippers. FIRST USE: 20000503. FIRST USE IN COMMERCE: 20000605  IC 041. US 100 101 107. G & S: Educational and entertainment services, namely, providing courses of instruction at the university level; research in the field of education; arranging and conducting athletic competitions, special events for social entertainment purposes, athletic tournaments, athletic exhibitions, athletic conferences, and live performances by athletes; organizing community festivals featuring a variety of activities, namely, sporting events. FIRST USE: 20000503. FIRST USE IN COMMERCE: 20000727
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	26.05.03 - Incomplete triangles (must have two angles); Triangle, incomplete (two angles) 26.05.08 - Letters, numerals or punctuation forming the perimeter of a triangle or comprising a triangle 26.05.15 - Four or more triangles; Triangles - four or more
Serial Number	85904600
Filing Date	April 15, 2013
Current Basis	1A
Original Filing Basis	1A
Published for Opposition	September 24, 2013
Registration Number	4447164
Registration	

Date	December 10, 2013
Owner	(REGISTRANT) University of Hawaii CORPORATION HAWAII Collegiate Licensing Office 1627 Bachman Place Honolulu HAWAII 96822
Attorney of Record	Michael R. Van Wieren
Prior Registrations	2465756;3191386
Description of Mark	Color is not claimed as a feature of the mark. The mark consists of the stylized letter "H" with a three triangle motif on the inside of each column of the "H".
Type of Mark	TRADEMARK. SERVICE MARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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Word Mark	H
Goods and Services	IC 025. US 022 039. G & S: Clothing, namely, headwear, shirts, sweaters, vests, bottoms, athletic uniforms, jerseys, underwear, sleepwear, robes, jackets, aprons, infant wear, cloth bibs, ties, socks, hosiery, scarves, gloves, headbands, wristbands, Halloween and masquerade costumes. FIRST USE: 19650223. FIRST USE IN COMMERCE: 19650409
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	01.01.03 - Star - a single star with five points
Serial Number	85773588
Filing Date	November 7, 2012
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	April 23, 2013
Registration Number	4499105
Registration Date	March 18, 2014
Owner	(REGISTRANT) Houston Astros, LLC LIMITED LIABILITY COMPANY TEXAS 501 Crawford Street, #500 Houston TEXAS 77002
Attorney of Record	Mary L. Kevlin
Prior Registrations	0883810;3779531
Description of Mark	Color is not claimed as a feature of the mark. The mark consists of the letter "H" in stylized form depicted over the design of a faceted five-point star.
Type of Mark	TRADEMARK

**Register** PRINCIPAL

**Live/Dead  
Indicator** LIVE

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TSDR ASSIGN Status TTAB Status ( Use the "Back" button of the Internet Browser to return to TESS)



Word Mark	H
Goods and Services	IC 025. US 022 039. G & S: Athletic apparel, namely, shirts, pants, jackets, footwear, hats and caps, athletic uniforms; Headwear. FIRST USE: 20100901. FIRST USE IN COMMERCE: 20100901
Mark Drawing Code	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
Design Search Code	26.01.02 - Circles, plain single line; Plain single line circles 26.01.21 - Circles that are totally or partially shaded. 26.13.02 - Plain single or multiple line quadrilaterals; Quadrilaterals (single line or multiple line) 26.13.13 - Quadrilateral (two quadrilaterals); Two quadrilaterals 26.13.21 - Quadrilaterals that are completely or partially shaded
Serial Number	77943394
Filing Date	February 24, 2010
Current Basis	1A
Original Filing Basis	1B
Published for Opposition	July 27, 2010
Registration Number	4080612
Registration Date	January 3, 2012
Owner	(REGISTRANT) The Honour Society, LLC LIMITED LIABILITY COMPANY MARYLAND 4330 Leland St. Chevy Chase MARYLAND 20815
Description of Mark	Color is not claimed as a feature of the mark. The mark consists of a stylized letter "H" formed by two quadrilaterals and a circle.
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE





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- *New York Daily News*

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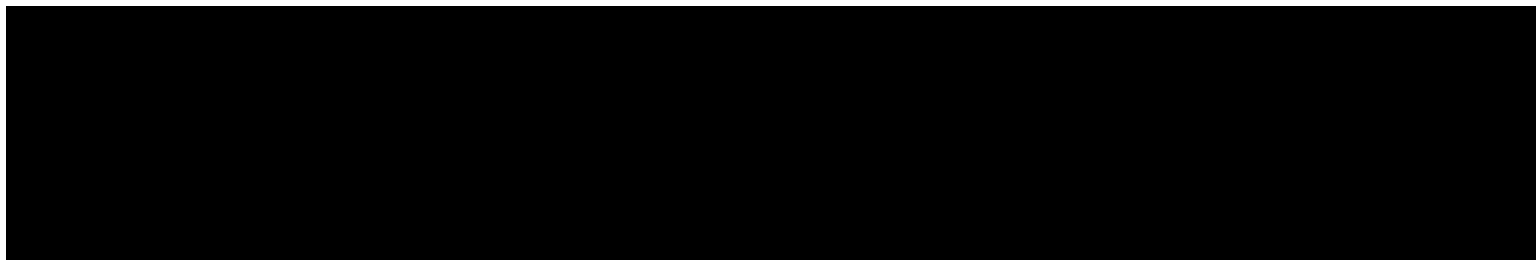


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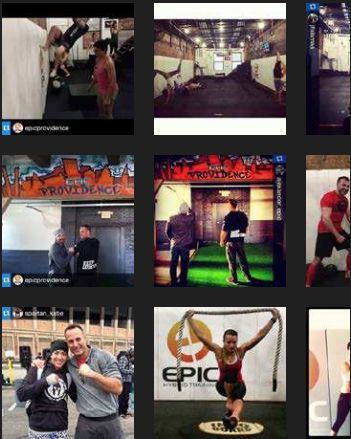
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approach to fitness. We are industry leaders providing an inclusive approach to ultimate health through a scope that includes scientifically sound fitness and nutrition opportunities. We strive to provide an environment that encourages our members to engage in new forms of fitness and nutrition education for a dynamic, prosperous, and wholesome approach to ultimate health.

### Amenities

We have a spacious 17,500 sq ft facility with Locker Rooms, Showers & Complimentary Towel Service. We have an integrated Yoga Studio, Basketball Court, and PowerTap Cycling area. We specialize in Personal Training, Group Fitness, and Small Group Training.

Our onsite *Fit Fresh Cuisine* helps you in your health goals as well, offering well balanced meals created by a Registered Dietitian, that emphasize fresh, local, and organic ingredients. Conveniently located within Hybrid Fitness, Fit Fresh Cuisine provides our members with the opportunity to compliment their workout with nutritious and affordable meals and smoothies.

### Membership

Hybrid Athletic Club offers several levels of membership to meet your fitness needs. To learn more about all membership levels, [click here](#).

Saturday 6  
am to 5 pm  
Sunday  
closed -  
Have a  
great  
weekend!!!  
Go  
Badgers!!!

It's that time  
of year  
again -  
time for  
Hybrid  
Athletic  
Club to  
host  
another  
Brat Fest  
Boot  
Camp! The  
Brat Fest  
Boot Camp  
will take  
place on  
the Brat  
Fest...



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Don't forget  
Pilates this  
Saturday at  
10 am!!!!  
Come  
lengthen  
and  
strengthen  
with  
Amy!!!!

Congrats to  
Mike!!!! He  
has lost 30  
lbs training  
with Ryan  
twice a

week over  
the last 6  
weeks! Key  
to his  
success -  
Nutrition -  
he is  
staying on  
track and  
...

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New Hybrid  
Health  
Plans are  
starting on  
April 6th  
with trainer  
Allie  
Metcalf!

5 am  
group- 1  
spot left  
7 am  
group- 3  
spots left  
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A number  
of female  
members  
have  
expressed  
interest in  
possibly  
participating  
in this  
event  
(Sorry,  
ladies  
only!).  
Today they  
are offering  
early  
registratio..  
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Basketball Gym - no text



Kettle Ball

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[f]: 608-276-8089	SAT 6:00am-8:00pm	Suite A	
[e]:	SUN 8:00am-5:00pm	Fitchburg, WI 53719	

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# Hybrid Athletics

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Olympic Weightlifting Classes

Cross Training Classes

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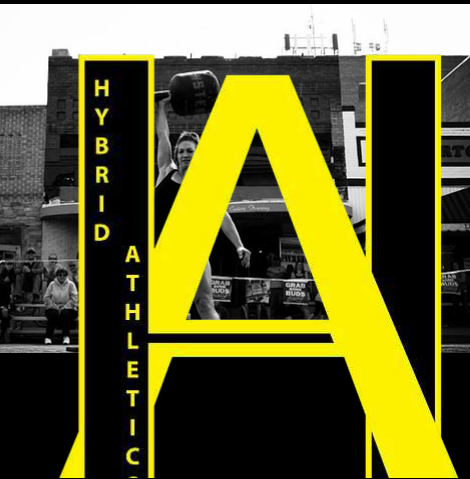
## Welcome to Hybrid Athletics!

Hybrid Athletics focuses on strength and conditioning for experienced and inexperienced athletes. Hybrid Athletes learn proper form and conditioning; creating an athlete that is faster, stronger and healthier.

Hybrid Athletics' classes are coached by Grant Statton, USA Weightlifting Sports Performance Coach. Grant is also a former professional Rugby player and understands the importance of being a well-rounded athlete to excel in all areas of athleticism. His passion for helping people embrace their inner athlete is evident in every class.

General Cross Training Classes - Olympic Weightlifting Classes - Sprint Training - Heavy Throwing - Strongman - Figure Competitions - Private Lessons - KidFit

Hybrid Athletics is proud to be an official USA Weightlifting Club!



## Schedule

General Cross Training Class:  
Monday - Friday 6:00 AM, 12:00 PM & 5:30 PM

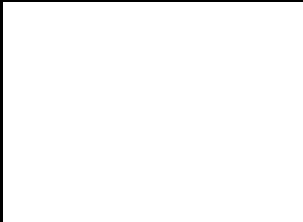
Introduction to General Cross Training Class:  
Saturday 10:00 AM

Advanced Cross Training Class:  
Saturday 11:00 AM

Olympic Weightlifting Class:  
Monday - Friday 5:00 AM, 1:00 PM & 7:00 PM

Introduction to Olympic Weightlifting:  
Wednesday & Saturday 4:30 PM

Olympic Weightlifting Mobility:  
Sunday 12:00 PM



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USA Weightlifting Club - General Crosstraining Classes - Olympic Weightlifting Classes - Strongman Training - Fitness Competitor Training - Private Training

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Abstract ▾

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[Kurume Med J.](#) 2011;57(4):125-32.

**Hybrid-training method increases muscle strength and mass in the forearm without adverse effect of hand function in healthy male subjects.**

[Matsuse H](#)<sup>1</sup>, [Iwasa C](#), [Imaishi K](#), [Nago T](#), [Tagawa Y](#), [Kakuma T](#), [Shiba N](#).

**Author information**

**Abstract**

Conventional neuromuscular electrical stimulation (NMES) results in surface muscle contraction but high electrical stimulation intensity is required to activate the deep muscles. Therefore, NMES is not useful for training at complicated sites such as the forearm. To make NMES more effective we developed a hybrid training method (HYB), consisting of electrically stimulated antagonists to resist agonist muscle contractions. The purpose of this study was to compare the effects of HYB on the forearm as compared with NMES alone, and to determine whether HYB had any adverse effects on complex hand movements. Thirty subjects were randomly distributed into three groups: a HYB program group, an isometric electrical stimulation group (ES), and a control group (CN). Subjects trained 3 times a week for 6 weeks. Each session consisted of 10 sets of 10 reciprocal 2-sec wrist flexions and extensions separated by 1-min rest intervals. Wrist flexion/extension torques, grip strengths (GS), forearm flexor/extensor cross sectional areas (CSA), and hand dexterity (Purdue Pegboard (PEG) test, finger tapping (Tapping) test) were measured. The HYB group demonstrated statistically significant increases in wrist extension torques (22.8%,  $p < 0.01$ ), forearm flexor CSA (9.6%,  $p < 0.01$ ), and in forearm extensor CSA (5.1%,  $p < 0.05$ ) at the end of training. There was no increase in torque or CSA in the ES or CN groups. Hand dexterity showed no significant differences in any of the three groups. HYB had no adverse effect on hand function and was more effective in forearm training than NMES alone.

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Our program here in Boca Raton is gaining nationwide recognition, offering several opportunities per day to get your CrossFit "fix".



### **New to CrossFit? Don't sweat it!**

The best part about JACO CrossFit's training program is that anyone can do it. All of the exercises featured in our CrossFit Workouts ("WOD's") can be scaled based on your fitness level and any physical limitations.

During each class we demonstrate proper form and the safest and most efficient ways to complete the exercise(s). Plus, we demonstrate different ways to scale the workout based on each student's capabilities.

Our certified coaches will spend one-on-one time to show you how safely perform all the movements, before your first workout. Along the way, they'll also monitor your progress to ensure you're not making technical mistakes, or using weight you're not ready for. With JACO, your safety comes first!



### **Benefits:**

#### **1. Constantly Varied**

Every WOD is unique to the one before it, so your body doesn't plateau. Your body is adaptive. It's as simple as that. Are you repeating the same routine every time you go to the gym?

Chances are your body is on to you. It knows your old routine by heart therefore making your efforts far less effective. Crossfit keeps your body guessing by introducing different movements

#### **2. Functional movements performed at high intensity**

Ever picked up a heavy box off of the floor? You've already performed a deadlift. Maybe you then lifted that box overhead to place on a high shelf? Congrats! You've also performed a strict press.

When we say functional movements, we mean movements you perform almost every day.

Our goal is to help you perform them safely, quickly, and efficiently. By performing these movements at a high intensity, you're not only increasing your strength and stamina, but also reaping the benefits of an intense cardio workout.

You will achieve more in 5 minutes than you would 30 minutes on a



## treadmill

### 3. Short AND Effective Workouts

If you don't have the time to spend an hour on the treadmill staring at the wall, the CrossFit Workouts of the Day (WODs) are what you need. One of the main benefits of CrossFit is that you can be finished in a matter of minutes — literally.

In a span of 15 or 20 minutes, you'll be asked to complete as many rounds of a specific circuit as you can. By the end of it, because of the aforementioned intensity and effort, you'll have burned more calories than you would have sleepwalking through a regular workout.

One day you might do 4 rounds of kettlebell swings, box jumps, and sit-ups. The next day you might be doing as many rounds of pullups, pushups, and squats as you can perform in 20 minutes.

We're training you to be a machine whether the workout is 5 minutes long or 30 minutes long. Our Coaches will teach you to pace yourself so you can stay in constant movement and get the most out of each workout.

### 4. Community

Our CrossFit Box is not just a class full of random people- We are a community. CrossFit is about competing against yourself not others. At our box, everyone has the same goals in mind: to push ourselves and get in the best shape as possible. Your coaches keep in touch with you to make sure your coming to class and monitor your progress along the way to ensure your improving. The camaraderie at our gym is part of what makes this exercise experience so unique.

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## WOD JACO CROSSFIT: WEDNESDAY

- **Every 2 min for 16 min, alternate between:** Station 1- Deadlift x 3 reps at 65-75% Station 2- 8 Supinated- Grip KB Bicep Curls
- **3 Rounds For Time:** 10 Weighted V-Ups 20 Atomic Sit-Ups 30 Alternating Ball Slams 20 Wall Balls 10 Jumping Lunges R/L=1

## WEDNESDAY CROSSFIT SCHEDULE

CrossFit WOD	6:00 AM - 12:00 PM (each hour)
Competitors WOD	11:00 AM - 1.00 PM



CrossFit WOD

4:30 PM - 7:30 PM (each hour)



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Jaco Clothing

# Jaco Male Jaco Hybrid Training Short - Black

★★★★★ 9 customer reviews

List Price: \$59.95  
Price: \$51.99 - \$54.99 & FREE Returns. [Details](#)

Size:

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Color: Black

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\$24.99 - \$30.99



Jaco Male Jaco Hybrid Training Short - Silverlake  
★★★★★ 3  
\$49.95 - \$51.99



Jaco Resurgence MMA Men's Fight Shorts  
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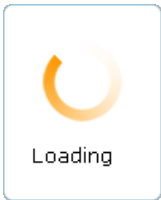
### Product Description

The Hybrid Training Short has a more relaxed fit, longer outseam, and external pockets for use in the gym and outside of it also. Ultra-durable STR-X fabric developed to provide the technical needs that are essential to MMA and training: durability, exceptional 4-way stretch, breathability, moisture wicking and comfort. Patent-pending compression waist-tightening system that can be tightened without creating "scrunching or cinching" around the waist while providing a comfortable, no-slip fit. External pockets with hook and loop closures keep your phone, music, or gym card close at hand. 90% Polyester & 10% Spandex. Care:Machine wash coldTumble dry lowDo not bleachDo not iron

**ASIN:** B009REL4Y6  
**Product Dimensions:** 14 x 7 x 5 inches  
**Shipping Information:** [View shipping rates and policies](#)  
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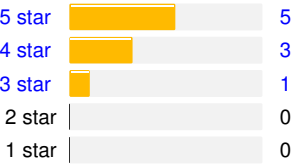


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★★★★★ (9)  
4.4 out of 5 stars



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The shorts work great for CrossFit.

A. Pritchett

Quality of these are phenom  
Con's:  
There's some weird plastic rubber logo design on the inside back that after a while will annoy you after a while.

Rlex

I have large thighs and butt and the 40 fit perfect with room to move.

Marv

## Most Helpful Customer Reviews

2 of 2 people found the following review helpful  
★★★★★ **Great shorts and they last forever**  
By [Rlex](#) on June 29, 2013

Color Name: Black    Size Name: 38  
I got 2 sets of these through the gym I go through (so the logo is also on the pants leg). I think at the time one set was on sale and plus I had a membership discount. Anyways excellent shorts. I use these for Muay Thai, Boxing, wrestling, cardio and weights.

Pros:

Light weight

Non restricting... I can do kicks in these above my head all day.

pockets are designed better than other brands. You'll appreciate this when your IPHONE doesn't come out of pocket on pull ups, jump rope etc. Also have you ever got nut checked by our iphone while punching and kicking? Don't; and these pockets help prevent that.

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★★★★★ They are light and flexible and I really love them at the gym  
I got 3 pairs of these. They are light and flexible and I really love them at the gym. I do a great deal of stretching and these are far better than my board shorts or other shorts... [Read more](#)  
Published 6 months ago by DaveK

★★★★★ Pleased  
I just received these shorts and am quite pleased. I have tried many different brands of mma shorts, from sprawl, hayabusa, piranha, revgear, and other generic brands. [Read more](#)  
Published 18 months ago by Ryan

★★★★★ So comfortable!  
These are the best! They fit true to size also. The drawstring doesn't give the a bunched up look and the Velcro closure isn't bulky. [Read more](#)  
Published 18 months ago by JT

★★★★★ Good CrossFit Shorts

Quality of these are phenom

Con's:

There's some weird plastic rubber logo design on the inside back that after a while will annoy you after a while. Also the rear inside is weird too. It's this little flap thing. You'd have to see it.

These shorts are very open. On the hack squat when I go "ass to grass" the shorts will go up and well you better be wearing long underwear.

These shorts are worth the price but at the same time... damn the price!! hahaha

[Comment](#) Was this review helpful to you? [Yes](#) [No](#)

1 of 1 people found the following review helpful

★★★★★ **Great shorts!**

By [Marv](#) on June 16, 2014

Color Name: Black    Size Name: 40    **Verified Purchase**

I'm a Kettlebell athlete and was looking for a pair of shorts that are cool and fit my large frame (6 foot 250 and very fit). I have large thighs and butt and the 40 fit perfect with room to move. I bought another pair so I can switch them out. Good job JACO.

[Comment](#) Was this review helpful to you? [Yes](#) [No](#)

★★★★★ **Great workout shorts**

By [tj9919](#) on March 31, 2015

Color Name: Black    Size Name: 36    **Verified Purchase**

I'm 250 lb male and 6 foot 5 inches. I was skeptical that these shorts would fit both in width and length because it's hard finding any sort of clothing for guys my height. I use these with the only intention of working out. These are great because I wanted a pair of gym shorts that didn't let alot of sweat build up and these sure don't do that. I suggest when you wash them for the first 10-15 times, do not put them in the dryer. After that you can dry them but on low heat. It's a general rule of thumb to use with any clothing that has elastic. The waist fits perfectly and I have plenty of leg room. No adjusting while at the gym if you know what I mean. The pockets at first are a little weird but after awhile they make sense, it makes you put away things like your keys, wallet and anything else you might have in your pockets, and gives the perfect pocket for a cellphone on the right hip. It has great positioning so that when i'm running it grips my cellphone so it won't fall out or go anywhere. Also the right pocket gives perfect length to any pair of headphones you use while working out or running.

I know these shorts are geared towards MMA style training/fighting I have not used them for any sort of grappling, fighting, or anything that involves high kicking. So keep that in mind if you are buying these shorts for those purposes. I do not know how they would match up for that style of training.

tl;dr  
You need gym shorts. These are the ones. Buy them. Seriously, now before they run out.

[Comment](#) Was this review helpful to you? [Yes](#) [No](#)

★★★★☆ **These have a pretty good closure system**

By [G. Hudson](#) on December 3, 2014

Color Name: Black    Size Name: 36    **Verified Purchase**

The potential is there, but the execution is just off a tiny bit. These have a pretty good closure system, but not great, so they feel a little weird up front with the super-wide lacing.

They are a bit long for my liking and I'm 6'2" with a 36" inseam.

If your shorter than me, you may hate them as they may hang past your knees.

The rubbery coating on the inside of the waistband is excellent, these shorts don't slide down easily when working out or grappling.

Good, but great shorts

[Comment](#) Was this review helpful to you? [Yes](#) [No](#)

★★★★☆ **Good shorts, a little long...**

By [Rob](#) on February 28, 2014

Color Name: Black    Size Name: 38    **Verified Purchase**

These seemed ok, almost like a kilt or something though.... Maybe I bought a size too large or

The shorts work great for CrossFit. My only issue is that I prefer traditional side pockets, not the leg pocket on these.

Published 18 months ago by A. Pritchett

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Jaco Male Jaco Hybrid Training Short - Black at Amazon Men's Clothing store: Athletic Shorts  
something. Definitely works good for the gym...

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★★★★★ 57  
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★★★★★ 220  
\$24.99 - \$30.99



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Jaco Male Jaco Hybrid Training Short - Silverlake  
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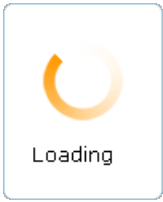
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Men

WRITE A REVIEW

Posted by RyGuy45  
March 15, 2015

**Gender:** Male  
**Athlete type:** Casual  
**Sport interest:** Golf  
**Age:** 25-29  
**Height:** >6'1"  
**Size Purchased:** LG

SIZE



COMFORT



PERFORMANCE



★★★★★ **Comfort is incredible!**

I walk on a concrete floor for 10 to 12 hours for work everyday which adds up to almost 15 miles per shift. Therefore comfort is of the most importance and these shoes went way beyond all expectations. I am now buying two more pair of shoes and just bought 100 shares of UA stock!

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